



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,900	02/13/2004	Kil-soo Jung	1101.0216C	6095
89980	7590	01/21/2010	EXAMINER	
North Star Intellectual Property Law, PC P.O. Box 34688 Washington DC, DC 20043				FABER, DAVID
ART UNIT		PAPER NUMBER		
2178				
MAIL DATE		DELIVERY MODE		
01/21/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/777,900	JUNG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	DAVID FABER	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 19 October 2009.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-4 and 23-46 is/are pending in the application.  
 4a) Of the above claim(s) 26-30 and 46 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-4, 23-25 and 30-45 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>6/25/09</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____ .

**DETAILED ACTION**

1. This office action is in response to the response to the requirement for election/restriction filed on 19 October 2009; amendments filed on 25 June 2009 and 14 August 2009, and the Information Disclosure Statement filed 25 June 2009. The amendment filed on 25 June 2009 canceled claims 5-22 and added claims 23-45, wherein the amendment filed on 14 August 2009 contained minor changes to claims 25 and 39, which resulted in the Requirement for Election/Restriction.

**This office action is made Final.**

2. Applicant elects Group I consisting of Claims 1-4, 23-25, and 30-45 with traverse.

3. Claim 46 has been added from the amendment filed on 19 October 2009.

4. The rejection of Claim 1-22 under 35 U.S.C. 101 has been withdrawn as necessitated by the amendment. The rejection of Claim 5-22 under 35 U.S.C. 103(a) as being unpatentable over Lamkin et al in view of Berstis et al has been withdrawn as necessitated by the amendment. The rejection of Claims 5-22 under Double Patenting has been withdrawn as necessitated by the amendment.

5. Claims 1-4, 23-46 are pending. Claims 26-29 and 46 have been withdrawn from consideration. Claims 1, 23, and 30 are independent claims.

***Election/Restrictions***

6. Applicant's election with traverse of Group I in the reply filed on 19 October 2009 is acknowledged. The traversal is on the ground(s) primarily based that since Examiner did not mention Claims 28 and 29 in setting forth the restriction requirement; such the

restriction requirement is incomplete. This is not found persuasive because the oversight of Claim 28 and 29 was unintentional. It can be seen that Claim 28 and 29 are dependent claims that dependent on independent claim 27 based on the claims filed on 25 June 2009 and 14 August 2009. Therefore, since one can see that claims 28-29 are dependent claims of independent claim 27, it would have been placed in Group II in which Claim 27 was placed when the Requirement for Election/Restriction. Therefore, Claims 28 and 29 were meant to be placed in Group II and be viewed as so based on the reasons above.

The requirement is still deemed proper and is therefore made FINAL.

7. In addition, Applicant added newly dependent claim 46 with its response to the Requirement for Election/Restriction filed on 19 October 2009. If dependent claim 46 was presented to the Examiner when the Election/Restriction was made and mailed out, the Examiner would have placed it in Group II, based on its dependence of Claim 27. Therefore, Claim 46 is viewed apart of Group II. Since Group I was elected, Group II consisting of Claims 26-29 and 46 has been withdrawn.

***Priority***

8. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged by the amendment to the specification disclosing the reference to the prior application.

9. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d) by the amendment to the specification disclosing the reference to the prior application.

***Information Disclosure Statement***

10. The information disclosure statement filed 25 June 2009 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because while reference AM on the IDS lists the reference was issued on 30 October 2009, there is no visual evidence on the reference itself or provided to the Examiner disclosing the reference was published/issued on 30 October 1999. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

***Specification***

11. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The phrase "reproducing apparatus" is not found to have proper antecedent basis in the specification; however it is necessary to use this

terminology in order to properly define the claim within the boundaries of statutory subject matter. In order to overcome the object, an amendment to the specification is necessary constituting a non-exhaustive statement of what the phrase “reproducing apparatus” would be as it would have been known to one of ordinary skill in the art at the time of the invention, in order to verify that the term “reproducing apparatus” could not be taken in the context of non-statutory subject matter

***Claim Rejections - 35 USC § 101***

12. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

13. Claims 30-45 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 30-45 disclose an apparatus; however, the claims fail to disclose if this apparatus indicates any hardware therefore the apparatus is representing a data structure. Thus, Claims 30-45 are rejected under 35 U.S.C. 101 because the claim lacks the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 101. They are clearly not a series of steps or acts to be a process (i.e. a signal) nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*. Therefore, the claims appear to be claiming “software systems” i.e. systems without hardware indication, which is a computer program *per se*. Since the claims disclose computer program *per se* that is not embodied on a computer readable medium, they appear non-

statutory.

***Claim Rejections – 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15. Claims 1-4, 20-24, 30-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamkin et al. (hereinafter Lamkin), U.S. Publication No. US 2002/0088011 A1, filed 7/2/2001, provisional filing 7/7/2000 (cited via Applicant's IDS), in view of Berstis et al. (hereinafter Berstis), U.S. Patent No. 6,510,458 filed 7/15/1999.

As per independent claim 1, Lamkin et al discloses a method disclosing a DVD (a storage medium) containing AV data, and including HTML documents in directories to reproduce said AV data in an interactive mode (a DVD video content and HTML content with extra information regarding said video encoded on said DVD, playable via computer connected to the Internet) (Abstract; Paragraph 0035, 0039, 0063, 0066, 0068, 0174, 0224). Furthermore, Lamkin discloses different embodiments that disclose a form of a startup document. In one embodiment, Lamkin teaches a common HTML page (index.htm) in a directory named “common” (a form of startup document) (Lamkin paragraph [0075]). Furthermore, Lamkin discloses various other embodiments in which a HTML page is shipped with a DVD (a form of startup document) that links to a web

site on the Internet or other information (i.e. other documents is a form of other information) stored on the DVD (linking is a form of information about other markup document) (Lamkin, Paragraph 0035, 0066-0070)

Lamkin discloses identifying parental level values (Page 11, Right Column, "ParentalLevelSelect(n)" command) wherein the commands control the playback and navigation mechanisms of the DVD (Paragraph 0131); however, failed to disclose displaying information in documents or the documents themselves according to a set parental level from different parental levels. However, Berstis teaches Web filtering of a web page whereby a user selectable ratings service (such as parental levels) is used to rate Web content, screening objectionable content, therefore blocking transmission, etc; based upon a numerical (value) level control, wherein these set predetermined values/ratings determine which elements, content and other information of the Web page to be displayed . (Berstis Abstract, column 12 lines 5-10, 13-18, column 13 lines 15-20, 25-46, 54-59, column 18 lines 44-48, Figures 6-9). It is additionally noted that Berstis teaches that HTTP is a known protocol for transferring data files (e.g. text, audio, motion video, etc.) (Berstis column 6 lines 35-42). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Berstis to Lamkin, providing Lamkin the benefit of restricting objectionable content for greater parental control (i.e. providing customized HTML content in Lamkin's invention accordingly, based on Berstis's parental level (rules) selection). (see Berstis column 13 lines 16-20, 47-53).

As per dependent claim 2, Claim 2 recites similar limitations as in Claim 1 and is similarly rejected under rationale. Furthermore, However, Lamkin does not specifically teach meta-information, or link information according to different parental levels. However, Berstis teaches HTML meta-information associated with parental levels (Berstis column 10 lines 10-19; col 12, lines 13-15; col 14, lines 60-67 -insert an extra header into the document before the contents of the document; col 15, lines 4-6, 12-25 – embedding in the document). In addition, Berstis teaches specifying which sites (HTML pages) a user is allowed to see, based on a selected parental level (Berstis Figure 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Berstis to Lamkin, providing Lamkin the benefit of meta-data to more accurately describe parental data and selecting which HTML page (via links) to view based on parental levels.

As per dependent claims 3 and 4, Lamkin fail to specifically teach when to display documents according to a set parental level or link information according a parental level. However, Berstis teaches specifying which sites (HTML pages) a user is allowed to see, based on a selected parental level (Abstract, column 12 lines 5-10, 13-18, column 13 lines 15-20, 25-46, 54-59, column 18 lines 44-48, Figures 6-9, Berstis Figure 7). In other words, if the user has a higher allowed parental level then the page's set parental level, then the user is able to view the page and/or certain/all content. If the user has a lower allowed parent level, then the page and/or certain/all content is blocked. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Berstis to Lamkin, providing Lamkin the benefit of meta-data to more

accurately describe parental data and selecting which HTML page (via links) to view based on parental levels.

As per independent claim 23, Lamkin et al discloses an method disclosing a DVD (a storage medium) containing AV data, and including HTML documents in directories to reproduce said AV data in an interactive mode (a DVD video content and HTML content with extra information regarding said video encoded on said DVD, playable via computer connected to the Internet) (Abstract; Paragraph 0035, 0039, 0063, 0066, 0068, 0174, 0224)

Lamkin discloses identifying parental level values (Page 11, Right Column, "ParentalLevelSelect(n)" command) wherein the commands control the playback and navigation mechanisms of the DVD (Paragraph 0131); however, fail to reproducing ...using a mark-up document corresponding to the identified parental level. However, Berstis teaches Web filtering of a web page whereby a user selectable ratings service (such as parental levels) is used to rate Web content, screening objectionable content, therefore blocking transmission, etc; based upon a numerical (value) level control, wherein these set predetermined values/ratings determine which elements, content and other information of the Web page to be displayed . (Berstis Abstract, column 12 lines 5-10, 13-18, column 13 lines 15-20, 25-46, 54-59, column 18 lines 44-48, Figures 6-9). It is additionally noted that Berstis teaches that HTTP is a known protocol for transferring data files (e.g. text, audio, motion video, etc.) (Berstis column 6 lines 35-42). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Berstis to Lamkin, providing Lamkin the benefit of restricting objectionable content for

greater parental control (i.e. providing customized HTML content in Lamkin's invention accordingly, based on Berstis's parental level (rules) selection). (see Berstis column 13 lines 16-20, 47-53).

As per dependent claim 24, Claim 24 recites similar limitations as in Claim 1, and is similarly rejected under rationale. Furthermore, Lamkin teaches a common HTML page (index.htm) in a directory named "common" (a form of startup document) (Lamkin paragraph [0075]). However, Lamkin does not specifically teach meta-information. However, Berstis teaches HTML meta-information associated with parental levels (Berstis column 10 lines 10-19; col 12, lines 13-15; col 14, lines 60-67 -insert an extra header into the document before the contents of the document; col 15, lines 4-6, 12-25 – embedding in the document). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Berstis to Lamkin, providing Lamkin the benefit of meta-data to more accurately describe parental data.

As per independent claim 30, Claim 30 recites similar limitations as in Claim 1 and is similarly rejected under rationale. Furthermore, Lamkin recites a reader to read desired data from the data storage medium (Abstract; Paragraph 0035, 0039, 0063, 0066, 0068, 0174, 0224: Discloses a DVD (a storage medium) containing AV data, and including HTML documents in directories to reproduce said AV data in an interactive mode (a DVD video content and HTML content with extra information regarding said video encoded on said DVD, playable via computer connected to the Internet) In addition, Lamkin discloses identifying parental level values (Page 11, Right Column,

“ParentalLevelSelect(n)” command) wherein the commands control the playback and navigation mechanisms of the DVD (Paragraph 0131). However, Lamkin fails to disclose a mark-up document comprising interactive contents corresponding to a plurality of different parental levels. However, Berstis teaches Web filtering whereby a user selectable ratings service is used to rate Web content against a multi-level (parental) rating system(s) (i.e. MPAA, RSACi contain multi (different) level ratings), screening objectionable content, therefore blocking transmission, etc.(e.g. user has a lower allowed parent level than the document's parental rating/level that was set by Berstis' web filtering by comparing content against a multi-level parental rating sysyem, then the page and/or certain/all content is blocked) (Berstis Abstract, column 12 lines 5-10, 13-18, column 13 lines 15-20, 25-46, 54-59, column 18 lines 44-48, Figures 6-9). It is additionally noted that Berstis teaches that HTTP is a known protocol for transferring data files (e.g. text, audio, motion video, etc.) (Berstis column 6 lines 35-42). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Berstis to Lampkin, providing Lampkin the benefit of restricting objectionable content for greater parental control (i.e. providing customized HTML content (i.e. two or more levels reflected in HTML pages) in Lampkin's directories/sub-directories accordingly, based on Berstis's parental level selection). (see Berstis column 13 lines 16-20, 47-53).

As per dependent claim 31, Claim 31 recites similar limitations as in Claim 30 and is similarly rejected under rationale. Furthermore, Lamkin discloses a blender

blending a mark-up document and an AV screen obtained by reproducing the AV data  
(Paragraph 0153-0154: Disclose blending the HTML page and video)

As per dependent claim 32, Claim 32 recites similar limitations as in Claim 31 and is similarly rejected under rationale. Furthermore, Lamkin discloses embedding AV content with the HTML document (Paragraph 0117, 0121-0124)

As per dependent claim 33, Lamkin discloses plug-ins (Paragraph 0220)

As per dependent claim 34, Lamkin discloses the controller retrieves data and the mark-up document through a network. (FIG 1, 2, Paragraph 0068)

As per dependent claims 35-40, Claims 35-40 recite similar limitations as in Claim 30 and is similarly rejected under rationale. Furthermore, Lamkin teaches DVD data and DVD-video and DVD-audio standards (FIG 2; Paragraph 0080) and an API (Lamkin paragraph [0051]); and setting parental levels (Page 11, Right Column, "ParentalLevelSelect(n)"). However, Lamkin does not specifically teach parental levels meeting DVD standards or ratings. However, Berstis teaches RSAC, a ratings service for computer games (typically distributed on CD or DVD, as well as MPAA for movies (typically on DVDs) (Berstis column 13 lines 15-20, 40-46). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Berstis to Lamkin, providing Lamkin the benefit of a standard ratings system for increased ratings consistency and ratings for parental control.

In addition, Lamkin teaches a common HTML page (index.htm) in a directory named "common" (a form of startup document) (Lamkin paragraph [0075]). However, Lamkin does not specifically teach meta-information. However, Berstis teaches HTML

meta-information associated with parental levels (Berstis column 10 lines 10-19). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Berstis to Lamkin, providing Lamkin the benefit of meta-data to more accurately describe parental data.

Furthermore, Lumpkin teaches a DVD (a storage medium) containing AV data, and including HTML documents in directories to reproduce said AV data in an interactive mode (Lamkin Abstract, paragraph [0035], [0039], [0066], [0068]) and setting a parental level (Page 11, Right Column, “ParentalLevelSelect(n)”). Lamkin does not specifically teach displaying pages according to a parental level, or link information according to a parental level. However, Berstis teaches specifying which sites (HTML pages) a user is allowed to see, based on a selected parental level (Berstis Figure 7). In other words, if the user has a higher allowed parental level than the page’s set parental level, then the user is able to view the page and/or certain/all content. If the user has a lower allowed parent level, then the page and/or certain/all content is blocked. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Berstis to Lamkin, providing Lamkin the benefit of meta-data to more accurately describe parental data and selecting which HTML page (via links) to view based on parental levels.

As per dependent claim 41, Claim 41 recites similar limitations as in Claim 1, and 30, and is similarly rejected under rationale. Furthermore Lamkin teaches an index.htm file for general information and general AV, said file typically stored in a “root” directory (Lamkin paragraph [0075]). In addition, Lamkin teaches various directories (i.e.

directories and subdirectories) storing both DVD content and HTML content accordingly (Lamkin paragraph [0035]).

As per dependent claim 42, Lamkin fails to specifically disclose the mark-up document comprises mark-up document information indicating whether the parental level set by the user is lower or not lower than each of the plurality of parental levels of the interactive contents of the mark-up document. However, Berstis teaches Web filtering whereby a user selectable ratings service is used to rate Web content, screening objectionable content, therefore blocking transmission, etc., based upon a numerical (value) level control; wherein these set predetermined values determine which elements, content and other information of the Web page to be displayed, and teaches specifying which sites (HTML pages) a user is allowed to see, based on a selected parental level. (Berstis Abstract, column 12 lines 5-10, 13-18, column 13 lines 15-20, 25-46, 54-59, column 18 lines 44-48, Figures 6-9, Figure 7). It is additionally noted that Berstis teaches that HTTP is a known protocol for transferring data files (e.g. text, audio, motion video, etc.) (Berstis column 6 lines 35-42). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Berstis to Lamkin, providing Lamkin the benefit of restricting objectionable content for greater parental control (i.e. providing customized HTML content (i.e. two or more levels reflected in HTML pages) in Lamkin's invention accordingly, based on Berstis's parental level selection). (see Berstis column 13 lines 16-20)

As per dependent claims 43-45, Lamkin discloses a stylesheet (i.e. CSS) and a scripting language (Paragraph 0124)

16. Claims 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lamkin et al. (hereinafter Lamkin), U.S. Publication No. US 2002/0088011 A1, filed 7/2/2001, provisional filing 7/7/2000 (cited via Applicant's IDS), in view of Berstis et al. (hereinafter Berstis), U.S. Patent No. 6,510,458 filed 7/15/1999 in further view of Blanco (US PGPub 2002/0128061, filed 3/9/2001) (cited via Applicant's IDS)

As per dependent claim 3, Lamkin and Bertsis fail to specifically disclose a warning message. However, Blanco discloses of determining of acceptable content based on relevant parental content settings. If the content is determined not acceptable, a message is displayed preventing the content from being from being displayed or executed. (Paragraph 0060, 0077) It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Blanco to Lamkin and Bertisis, providing the benefit of warning messages in indicating of viewing status accordingly in an improved mechanism for restricting access to inappropriate content.

### ***Double Patenting***

17. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422

F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

18. Claims 1-4, 23-25, 30-45 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 7,493,552. Although the conflicting claims are not identical, they are not patentably distinct from each other because they are substantially similar in scope and they use the same limitations, using varying terminology. Both applications disclose displaying documents along with reproducing AV data in an interactive mode according to a parental level.

19. Claims 1-4, 23-25, 30-45 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-27 of copending Application No. 10777668. Although the conflicting claims are not identical, they are not patentably distinct from each other because they are substantially similar in scope and they use the same limitations, using varying terminology. Both applications disclose displaying documents along with reproducing AV data in an interactive mode according to a parental level.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

20. Claims 1-4, 23-25, 30-45 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3, 9, and 12 of copending Application No. 10777758. Although the conflicting claims are not identical, they are not patentably distinct from each other because they are substantially similar in scope and they use the same limitations, using varying terminology. Both applications disclose displaying documents along with reproducing AV data in an interactive mode according to a parental level.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Response to Arguments***

21. Applicant's arguments filed 25 June 2009 have been fully considered but they are not persuasive.

22. On pages 23-24, in regards to Claims 1-4, Applicant argues that Lamkin and Bertsis fails to teach or suggest the limitation "the mark-up documents comprise a start-up document comprising information about other ones of the mark-up documents corresponding to different parental levels to be displayed depending on a set parental level." However, the Examiner disagrees.

Lamkin et al discloses an method disclosing a DVD (a storage medium) containing AV data, and including HTML documents in directories to reproduce said AV data in an interactive mode (a DVD video content and HTML content with extra information regarding said video encoded on said DVD, playable via computer connected to the Internet) (Abstract; Paragraph 0035, 0039, 0063, 0066, 0068, 0174, 0224). Furthermore, Lamkin discloses different embodiments that disclose a form of a startup document. In one embodiment, Lamkin teaches a common HTML page (index.htm) in a directory named “common” (a form of startup document) (Lamkin paragraph [0075]). Furthermore, Lamkin discloses various other embodiments in which a HTML page is shipped with a DVD (a form of startup document) that links to a web site on the Internet or other information (i.e. other documents is a form of other information) stored on the DVD (linking is a form of information about other markup document) (Lamkin, Paragraph 0035, 0066-0070)

Lamkin discloses identifying parental level values (Page 11, Right Column, “ParentalLevelSelect(n)” command) wherein the commands control the playback and navigation mechanisms of the DVD (Paragraph 0131); however, failed to disclose displaying information in documents or the documents themselves according to a set parental level from different parental levels. However, Berstis teaches Web filtering of a web page whereby a user selectable ratings service (such as parental levels) is used to rate Web content, screening objectionable content, therefore blocking transmission, etc; based upon a numerical (value) level control, wherein these set predetermined values/ratings determine which elements, content and other information of the Web

page to be displayed . (Berstis Abstract, column 12 lines 5-10, 13-18, column 13 lines 15-20, 25-46, 54-59, column 18 lines 44-48, Figures 6-9). It is additionally noted that Berstis teaches that HTTP is a known protocol for transferring data files (e.g. text, audio, motion video, etc.) (Berstis column 6 lines 35-42). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Berstis to Lamkin, providing Lamkin the benefit of restricting objectionable content for greater parental control (i.e. providing customized HTML content in Lamkin's invention accordingly, based on Berstis's parental level (rules) selection). (see Berstis column 13 lines 16-20, 47-53).

23. Applicant's arguments with respect to claims 23-25, 30-45 have been considered but are moot in view of the new ground(s) of rejection.

Applicant has cancelled the original claims 5-22, and added new claims 23-25, 30-45 which require new ground(s) of rejection.

### ***Conclusion***

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Faber whose telephone number is 571-272-2751. The examiner can normally be reached Monday-Thursday, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/David Faber/  
Examiner, Art Unit 2178

/William L. Bashore/

Supervisory Patent Examiner, Art Unit 2175